

Subpart J—Fees for the Motor Vehicle and Engine Compliance Program

SOURCE: 57 FR 30055, July 7, 1992, unless otherwise noted.

§86.901-93 Abbreviations.

The abbreviations in this section apply to this subpart and have the following meanings:

CAFE—Corporate Average Fuel Economy,
Cal—California,
CPI—Consumer Price Index,
ESI—Engine System Information,
EPA—U.S. Environmental Protection Agency,
Fed—Federal,
HDE—Heavy-duty engine,
HDV—Heavy-duty vehicle,
ICI—Independent Commercial Importer,
LDV—Light-duty vehicle,
LDT—Light-duty truck,
MC—Motorcycle,
MVECP—Motor Vehicle and Engine Compliance Program,
MY—Model Year,
OEM—Original equipment manufacturer,
SEA—Selective Enforcement Auditing.

§86.902-01 Definitions.

(a) The definitions in §86.902-93 continue to apply to this subpart.

(b) The definitions in subparts A and S of this part apply to this subpart.

[64 FR 23922, May 4, 1999]

§86.902-93 Definitions.

California-only certificate is a Certificate of Conformity issued by EPA which only signifies compliance with the emission standards established by California.

Certification request means a manufacturer's request for certification evidence by the submission of an application for certification, ESI data sheet, or ICI Carryover data sheet.

Engine-system combination as defined in 40 CFR 86.082-2, means an engine family-exhaust emission control system combination.

Federal certificate is a Certificate of Conformity issued by EPA which signifies compliance with emission standards in 40 CFR part 86, subpart A.

Fuel economy basic engine means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system, catalyst usage, and

other characteristics specified by the Administrator.

Filing form means the MVECP Fee Filing Form to be sent with payment of the MVECP fee.

Signed means a certification request which results in a signed Certificate of Conformity.

Unsigned means a certification request which does not result in a signed Certificate of Conformity because it is either voluntarily withdrawn by the manufacturer or does not receive approval from the EPA.

§86.903-93 Applicability.

This subpart prescribes fees to be charged for the MVECP for 1993 and later Mys. The fees charged will apply to all manufacturers' and ICIs' LDVs, LDTs, HDVs, HDEs, and MCs. Nothing in this subpart shall be construed to limit the Administrator's authority to require manufacturer or confirmatory testing as provided in the Clean Air Act, including authority to require manufacturer in-use testing as provided in section 208 of the Clean Air Act.

§86.904-93 Section numbering; construction.

(a)(1) The MY of initial applicability is indicated by the section number. The two digits following the hyphen designate the first MY for which a section is effective. A section remains effective until superseded.

(2) *Example.* Section 86.901-93 applies to the 1993 and subsequent MYs until superseded. If §86.901-96 is promulgated, it will take effect beginning with the 1996 MY; §86.901-93 will apply to MYs 1993 through 1995.

(b)(1) A section reference without a MY suffix refers to the section applicable for the appropriate MY.

(2) *Example.* For a reference to §86.901, one would refer to §86.901-xx where xx is the last two digits of the model year in question.

§86.905-93 Purpose.

The MVECP includes all compliance, enforcement, and related activities performed by EPA which are associated with certification, fuel economy, SEA, and in-use compliance programs. The

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fee will recover those compliance, investigation and review costs which the EPA incurs in providing vehicle and engine manufacturers or ICIs with Certificates of Conformity, fuel economy labels, CAFE calculations, and ICI review necessary to market vehicles in the U.S. and to meet requirements otherwise imposed by statute.

§ 86.906–93 MVEPC certification request types.

Certification requests are grouped into three types corresponding to the three major divisions of regulated mobile sources: LDVs/LDTs; HDVs/HDEs; and MCs.

§ 86.907–01 Fee amounts.

The fee for each certification request type is:

Certificate type	Model year 2001 and later
LDV/LDT:	
Fed Signed	\$27,211
Cal-only Signed	8,956
Fed Unsigned	2,738
Cal-only Unsigned	2,738
HDE/HDV:	
Fed Signed	12,584
Cal-only Signed	2,145
Fed Unsigned	2,145
Cal-only Unsigned	2,145
All Evaporative-only	2,145
Motorcycles:	
Fed Signed	840
Cal-only Signed	840
Fed Unsigned	840
Cal-only Unsigned	840

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§ 86.907–93 Fee amounts.

The fee for each certification request type is:

	MY 1993	MY 1994 (and later)
LDV/LDT		
Fed Signed	\$11,865	\$23,731
Cal-only Signed	4,563	9,127
Fed Unsigned	1,095	2,190
Cal-only Unsigned	1,095	2,190
HDE/HDV		
Fed Signed	6,292	12,584
Cal-only Signed	1,072	2,145
Fed Unsigned	1,072	2,145
Cal-only Unsigned	1,072	2,145
All Evaporative-only	1,072	2,145
MCs		
Fed Signed	420	840
Cal-only Signed	420	840
Fed Unsigned	420	840

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	MY 1993	MY 1994 (and later)
Cal-only Unsigned	420	840

§ 86.908–01 Waivers and refunds.

This section includes text that specifies requirements that differ from § 86.908–93. Where a paragraph in § 86.908–93–01 is identical and applicable to this section, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.908–93.”

(a) [Reserved]. For guidance see § 86.908–93.

(b) *Request for refund.* The Administrator may refund a specified part of any fee imposed by § 86.907 if the applicant fails to obtain a signed certificate and requests a refund.

(1) That portion of the total fee to be refunded will be as follows:

[In percent]

	Federal	California-only
LDV/LDT	89.9	69.4
HDE/HDV	83.0	0
HD—Evaporative only	0	0
MC	0	0

(2) For a refund of a portion of a waiver payment due to a decrease in the projected retail sales price of the vehicles or engines to be covered by the certification request the applicant should submit documentation to EPA detailing the waiver fee adjustment.

(c) *Waiver and refund address.* A request for a waiver or refund of part of a fee shall be submitted in writing by the applicant to the Environmental Protection Agency, Vehicle Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

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§ 86.908–93 Waivers and refunds.

(a) *Request for waiver.* The Administrator may waive part of any fee imposed by § 86.907 of this subpart.

(1) A waiver will be granted to an applicant if the Administrator determines that:

(i) The certificate is to be used for sale of vehicles or engines within the United States; and

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(ii) The full fee for a certification request for a MY exceeds 1% of the aggregate projected retail sales price of all vehicles covered by that certificate.

(2) The request for waiver must be submitted prior to the payment of any fee and shall include evidence, such as prior actual sales, retail sales price, and previous waiver requests, clearly showing that the applicant satisfies the two waiver criteria. The retail sales price will be based on the total projected sales of all vehicles under a certificate, including vehicles modified under the modification and test option in 40 CFR 85.1509. For an ICI certificate, the retail sales price shall be based on the applicable National Automobile Dealer's Association (NADA) appraisal guide and/or other evidence of the actual market value.

(3) If a waiver is granted, the fee to be paid by the applicant shall be 1% of the aggregate projected retail sales price of the vehicles or engines to be covered by the certification request.

(4) The waiver request will be reviewed by EPA.

(i) EPA or its designee will analyze each waiver request to determine whether the applicant has met the standards for a waiver and then will notify the applicant of its grant or denial.

(ii) If the request is denied, the applicant will have 30 days from the date of notification of the denial to submit the appropriate fee to EPA or appeal the denial.

(5) Whenever the aggregate projected retail sales price of the vehicles or engines to be covered by the certification request changes and/or the certificate which is under a fee waiver expires, the applicant, as appropriate:

(i) Shall submit a filing form with payment of the additional waiver fee; or

(ii) May submit a request for a refund.

(6) The total waiver fee shall not exceed the full fee amount for the applicable certification request type.

(b) *Request for refund.* The Administrator may refund a specified part of any fee imposed by § 86.907 of this subpart if the applicant fails to obtain a signed certificate and requests a refund.

(1) That portion of the total fee to be refunded will be as follows:

	Federal (percent)	California only (per- cent)
LDV/LDT	90.8	76.0
HDE/HDV	83.0	0
HD-Evaporative only	0	0
MC	0	0

(2) For a refund of a portion of a waiver payment due to a decrease in the projected retail sales price of the vehicles or engines to be covered by the certification request the applicant should submit documentation to EPA detailing the waiver fee adjustment.

(c) *Waiver and refund address.* A request for a waiver or refund of part of a fee shall be submitted in writing by the applicant to the Environmental Protection Agency, Motor Vehicle and Engine Compliance Program, Certification Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

§ 86.909-93 Payment.

(a) All fees required by this section shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable in U.S. dollars to the order of the Environmental Protection Agency.

(b) All fees shall be forwarded with the filing form to the EPA to the address designated on the filing form.

(c) An application for which a partial waiver of the fee has been requested will not be accepted for processing until the appropriate fee has been determined and the balance waived or, if the waiver has been denied, the proper fee is submitted after notice of denial.

§ 86.910-93 Deficiencies.

(a) Any filing pursuant to § 86.909 of this subpart that is not accompanied by the appropriate filing fee is deficient.

(b) The Administrator will inform any person who submits a deficient filing that:

(1) Such filing will be rejected and the amount paid refunded, unless the appropriate fee is submitted within a specified time;

(2) EPA will not process any filing that is deficient under this section; and

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(3) The date of filing will be deemed the date on which EPA receives the appropriate fee.

§ 86.911-93 Adjustments of fees.

(a) The fee schedule will be changed annually by the same percentage as the percent change in the CPI for all urban consumers.

(b) This annual change will occur within 60 days following release of the final estimates of the annual average for the CPI for all urban consumers by the Department of Labor.

(c) MVECP costs and fees will periodically be reviewed and changes will be made to the schedule as necessary.

(d) When automatic adjustments are made, based on the CPI, the new fee will be published in the FEDERAL REGISTER as a final rule to become effective 30 days or more after publication, as specified in the final rule.

(e) When changes are made based on periodic reviews, the changes will be subject to public comment.